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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

IN THE MATTER OF THE)	No. 76969-3-I
PERSONAL RESTRAINT OF:)	
)	DIVISION ONE
ANTHONY RYAN MURPHY,)	
)	UNPUBLISHED OPINION
Petitioner.)	
)	FILED: March 19, 2018

PER CURIAM. Anthony Murphy pled guilty to four counts of second degree identity theft in King County Superior Court Cause No. 13-1-12288-6 SEA. The trial court imposed a prison-based drug offender sentencing alternative (DOSA) providing that Murphy would spend 25 months in confinement followed by 25 months of community custody. The trial court also imposed an additional term of 12 months of community custody in the event that Murphy failed to complete or was terminated from the DOSA program.

Murphy filed a personal restraint petition contending that the trial court imposed a sentence that exceeded the statutory maximum for the offenses. See RCW 9.35.020(3); RCW 9A.20.021(c) (second degree identity theft is a class C felony punishable by a maximum sentence of five years confinement). The State concedes that, if Murphy failed to complete or were terminated from the DOSA program, the total amount of confinement and community custody would exceed 60 months. We accept the State's concession. The trial court was required under RCW 9.94A.701(9) to reduce Murphy's term of community

No. 76969-3-1/2

custody to 10 months. See State v. Boyd, 174 Wn.2d 470, 275 P.3d 321 (2012);
see also State v. Winborne, 167 Wn. App. 320, 329, 273 P.3d 454, review
denied, 174 Wn.2d 1019 (2012).

Accordingly, we grant Murphy's petition and remand to the trial court to
amend the community custody term consistent with RCW 9.94A.701(9).

For the court:






